

10/517224
Rec'd PTO 08 DEC 2004

COMBINED DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 10354*1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HARDWARE IMPLEMENTATION OF THE
PSEUDO-SPECTRAL TIME-DOMAIN METHOD**

the specification of which

(check one) ☒ is attached hereto.

☐ was filed on _____ as

Application Serial No. _____ and

was amended on _____
(if applicable)

was amended through _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's or plant breeder's rights certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

PCT/US2003/020259
(Application Serial No.)

June 24, 2003
(Filing Date)

Pending
(Status)

(Application Serial No.)

(Filing Date)

(Status)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/390,993

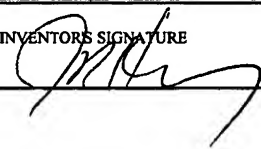
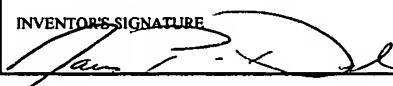

June 24, 2002

(Application No.)

(Filing Date)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

~~POWER OF ATTORNEY~~ As a named inventor, I hereby appoint the attorney(s) and/or agent(s) associated with **CUSTOMER NUMBER 23416**, all of **CONNOLLY BOVE LODGE & HUTZ LLP**, as attorneys with full power of substitution to prosecute this application and conduct all business in the Patent and Trademark Office connected therewith.

Send Correspondence To: Connolly Bove Lodge & Hutz LLP The Nemours Building 1007 North Orange Street P.O. Box 2207 Wilmington, Delaware 19899-2207		Direct Telephone Calls To: (302) 658-9141
FULL NAME OF SOLE OR FIRST INVENTOR John R. HUMPHREY	INVENTOR'S SIGNATURE 	DATE 3/9/2004
RESIDENCE Newark, Delaware DE		CITIZENSHIP United States
POST OFFICE ADDRESS 37 Renee Lane Newark, Delaware 19711		
FULL NAME OF SECOND JOINT INVENTOR IF ANY James P. DURBANO	INVENTOR'S SIGNATURE 	DATE 3/9/04
RESIDENCE Ridley Park, Pennsylvania PA		CITIZENSHIP United States
POST OFFICE ADDRESS 512 Terravilla Lane Ridley Park, Pennsylvania 19078		
FULL NAME OF THIRD JOINT INVENTOR IF ANY Dennis W. PRATHER	INVENTOR'S SIGNATURE 	DATE 3/9/04
RESIDENCE Landenberg, Pennsylvania PA		CITIZENSHIP United States
POST OFFICE ADDRESS 7 Gauble Lane Landenberg, Pennsylvania 19350		

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Applicants or Patentees: John R. HUMPHREY, James P. DURBANO and Dennis W. PRATHER

Serial or Patent No.: _____

For: HARDWARE IMPLEMENTATION OF THE PSEUDO-SPECTRAL TIME-DOMAIN METHOD

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR §§ 1.9(f) and 1.27(c)) – SMALL BUSINESS CONCERN**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: EM Photonics, Inc.

ADDRESS OF ORGANIZATION: 51 East Main Street, Suite 203, Newark, Delaware 19711

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HARDWARE IMPLEMENTATION OF THE PSEUDO-SPECTRAL TIME-DOMAIN METHOD, by inventors, John R. HUMPHREY, James P. DURBANO and Dennis W. PRATHER described in

- ☒ the specification filed herewith.
☐ application serial no. _____ filed _____
☐ patent no. _____, filed _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

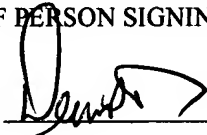
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Dennis W. Prather

TITLE OF PERSON OTHER THAN OWNER _____

ADDRESS OF PERSON SIGNING 51 East Main Street, Suite 203, Newark, Delaware 19711

SIGNATURE



DATE

3/9/04